

MICHAEL T. FARRELL, PhD & ASSOCIATES

PSYCHOLOGICAL OFFICES

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October 31, 2002

Mr. Lawrence Barbieri
Schroeder, Maundrell, Barbieri & Powers
11935 Mason Road
Suite 110
Cincinnati, Ohio 45249-3703

RE: Dennis Cook
SMB&P Ref: 590-5

Dear Mr. Barbieri:

On 10-31-02 I had the opportunity to review files regarding Dennis Cook. Briefly, Mr. Cook is a forty-seven year old married male. He had been employed many years by the City of Norwood essentially as a heavy equipment operator, including street sweeper and backhoe operator. At different points he is described as having bizarre behavior at work, heightened religiosity, and angry outbursts. Records also reflect this gentleman has been diagnosed with different psychiatric illnesses over many years. The specific referral questions included issues pertaining to the nature of Mr. Cook's psychological problems, work prohibitiveness, and onset of disability. Pertaining to this, the following documents were reviewed.

Mr. Cook was apparently psychologically examined by J. Nick Marzella, Ph.D. 8-5-98. At that time, Dr. Marzella found Mr. Cook unfit to work noting a high degree of paranoia, possibility of engaging in bizarre and/or litigious behavior, as well as difficulty recognizing boundaries due to anger and poor frustration tolerance. In an additional report dated 10-22-02, Dr. Marzella notes a history of an initial psychiatric admission in 1972 after his father's death where he was described as having an unspecified major psychiatric illness. He notes a second admission nineteen years ago prompted by a fear of losing control and significant agitation. At that point he was apparently diagnosed with

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adjustment reaction of adult life and personality disturbance-immature. He also notes a history of multiple work related injuries and various legal issues Mr. Cook had instigated against the City of Norwood. He further reports over the course of his life Mr. Cook has experienced interpersonal difficulty, conflict with authority, difficulty in the work place, and family problems. He notes early manifestations of bipolar disorder and Mr. Cook's developmental history with cyclical alternations of major depressive symptoms characterized by poor concentration, loss of pleasure in most activities, feelings of hopelessness and futility, coupled with periods of mania characterized by paranoia, expansiveness, flight of ideas, and distractability producing significant psychosocial and work place conflict. He concludes Mr. Cook continues to evidence bipolar affective disorder-II, is psychologically unfit to perform work, and that his difficulties with the City of Norwood were the result of his mental illness verses the cause. In an attached addendum dated 8-17-98, Dr. Marzella noted diagnoses of rule out generalized anxiety disorder and paranoid personality disorder.

Records from psychiatrist, David Helm, M.D. particularly treatment records dated from 8-25-01 to 6-21-02 and a 6-28-02 report to claimant's attorney indicate that this gentleman has been treated psychiatrically since 1994. He indicates Mr. Cook was originally diagnosed with cyclothymia characterized by mood swings and later in the 1990's met the criteria for bipolar II. Dr. Helm opined the 1998-1999 conflict with Norwood exacerbated this condition. He reports a psychiatric hospitalization in 1999 for exacerbation and in correspondence dated 10-26-99 described Mr. Cook as disabled. A 6-30-02 report of social worker Kathleen Calderon, LISW, indicates outpatient treatment since 2000 and corresponding treatment with Dr. Helm since 1994. Mr. Cook is described as having family, job, and financial problems. Ms. Calderon opines that the bipolar disorder was exacerbated by his experiences in Norwood and identifies a guarded prognosis.

Mr. Cook was evaluated in April and May of 1996 by Monica Jackson, Ph.D. Dr. Jackson took a history of several children living into the home, domestic violence charges, separation from his wife, and work conflicts. At the time Dr. Jackson opined Mr. Cook was psychologically unfit to work as a heavy equipment operator for Norwood. Interpretative test results were also reviewed as were correspondence from Gary Hubbard, Director of Services (5-14-96) and from William Miller, Director of Safety (5-1-96) to Dr. Jackson.

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Records indicate that Mr. Cook was seen by Dr. George Parsons on several different occasions. In a report dated 6-26-02 Dr. Parsons indicates that this gentleman was originally seen in August of 1998 at which time he noted psychological conditions that were not work prohibitive. On 11-18-99 Mr. Cook is described as suicidal and significantly deteriorated. At that point Dr. Parsons opined Mr. Cook had suffered significant psychological distress related to his return to work and suffered a severe psychological condition as a result of his employment. Dr. Parsons generated a report apparently in September of 2000 indicating Mr. Cook presented as 50% of the way between disabled and non-disabled. Mr. Cook was next evaluated by Dr. Parsons 6-26-02. Again, Dr. Parsons reports more significant deterioration, slurred speech, and a history of multiple psychiatric admissions. He describes Mr. Cook as having difficulty following simple instructions, having impaired memory and concentration, and identifies a number of stressors in addition to issues with Norwood including family and financial problems. Dr. Parsons concludes in June of 2002 that Mr. Cook would be unable to perform any work activity on a sustained basis at that time as well as in the foreseeable future.

Mr. Cook was evaluated by Merritt Oleski, Ph.D. 10-24-00 at the request of the Bureau of Workers' Compensation. Dr. Oleski opined that the bipolar disorder cannot be attributed to the work injury noting a biological basis. However, he recommended ongoing treatment describing Mr. Cook as very fragile.

Records from Bethesda Tri-Health-Good Samaritan indicate a psychiatric admission 8-15-01 through 8-31-01 for decompensation of bipolar disorder and major depression.

He was examined by William Beatty, M.D. 2-2-00. Dr. Beatty diagnosed a bipolar mixed disorder with psychotic features only marginally controlled with aggressive treatment. He notes considerable paranoia and extreme hostility towards his employer and opined Mr. Cook was permanently disabled mentally for the performance of his duties.

Records related to PERS were also reviewed. There is a report (name illegible) dated 3-3-02 indicating Mr. Cook was mentally incapacitated permanently noting a diagnosis of bipolar II disorder. PERS disability reports from Dr. Helm 8-11-00 and 9-21-00 documenting bipolar II disorder and disability. Medical documents were also attached. He was evaluated by Ron Koppenhoefer, M.D. 12-21-99. Dr. Koppenhoefer could find little physical findings but described Mr. Cook as disabled as a result of his

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psychiatric illness. He was described by Dr. Penix 11-12-99 as permanently totally disabled based on significant degenerative disc disease and peripheral neuropathy. He was examined by Dr. Fitz in August of 1999 who noted cervical and lumbar degenerative disc disease preventing him from returning to work at that time, yet did not feel Mr. Cook would require twelve months to recover. Additional forms provided by Dr. Penix documenting this individual was unable to work were also reviewed.

OPINION

Based upon review of records. it is my professional opinion within reasonable psychological certainty, that Mr. Cook suffers from a bipolar disorder II as well as Axis II personality disorder-NOS with strong paranoid features. This gentleman has a long history of psychiatric disturbance and mental health involvement dating to a first psychiatric admission in 1972, a second admission nineteen years ago per Dr. Marzella's report, and a chronic history of interpersonal difficulties. I concur that his rather significant difficulties over the course of his employment with the City of Norwood are in fact a manifestation of his illness verses the cause. Additionally, it would appear that Mr. Cook was psychologically disabled from work as early as August of 1998 based upon Dr. Marzella's assessment at that time and per intervening records remains so to date. Notably, there is a history of multiple psychiatric admissions between 1999 and 2001. Additionally, he was psychologically evaluated by Dr. Beatty in 2000 and described as disabled. He underwent a medical examination performed by Dr. Koppenhoefer in 1999 and while Dr. Koppenhoefer did not note any significant medical impairment, he opined this gentleman would be considered disabled based upon his psychiatric illness. Dr. Helm, the treating psychiatrist, notes deterioration in 1998, a psychiatric admission in 1999, and in a 10-26-99 correspondence describes Mr. Cook as disabled and documents disability per PERS forms completed in 2000. In fact, in all the records reviewed, the only individual who specifically describes Mr. Cook as capable of returning to work is Dr. Parsons in August of 1998. However, in November of 1999 he notes rather serious deterioration upon this individuals return to work and finally concludes in 2002 that he would be precluded from employment essentially on a permanent basis.

Summarily, within reasonable psychological certainty, based upon the records reviewed, Mr. Cook demonstrates a bipolar disorder II and personality disorder-NOS unrelated to his employment with the City of Norwood. His records reflect that this individual has been essentially disabled psychiatrically since August of 1998. This gentleman has a long history of psychiatric disturbance pre-

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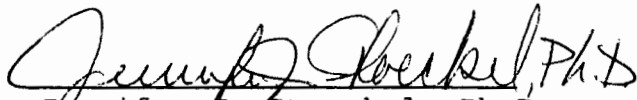
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dating his employment. The difficulties he had at work are judged to be a consequence of his emotional illness.

Thank you for allowing me the opportunity to review records relative to Dennis Cook. Should you require additional information or having any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in cursive script, reading "Jennifer J. Stoeckel, Ph.D.", written in dark ink.

Jennifer J. Stoeckel, Ph.D.
Ohio Licensed Psychologist #4713

JJS:dd

JENNIFER J. STOECKEL, PH.D.

MICHAEL T. FARRELL, PH.D. & ASSOCIATES
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EDUCATION

1. Illinois Institute of Technology, Chicago, IL;
Ph.D., Psychology, April, 1992.
2. Xavier University, Cincinnati, OH;
M.A., Clinical Psychology, October, 1989.
3. Xavier University, Cincinnati, OH;
B.S., Psychology, May, 1983

PROFESSIONAL EXPERIENCE

Psychologist, Michael T. Farrell, Ph.D. & Associates
Cincinnati, Ohio.

2/94 to present

Activities include: Vocational and psychological assessment;
disability determination; individual and group psychotherapy;
expert testimony in personal injury/employment/sexual
discrimination and harassment and disability cases.

Psychologist, Associates for Psychological Resources
Cincinnati, Ohio.

3/85 to 1/94

Activities include: Individual and group psychotherapy; vocational
and psychodiagnostic assessment and testing; test development;
expert testimony in Workers' Compensation, personal injury,
employment discrimination and sexual harassment/discrimination
cases; disability determination; career counseling; psychological
consultation with University of Cincinnati Medical Center

Department of Otolaryngology and Barrett Cancer Center Pain Clinic.

Teaching Assistant, Illinois Institute of Technology Department of Psychology, Chicago, Illinois.

9/88 to 5/90

Activities: Developed, implemented and taught coursework in general psychology, abnormal psychology, vocational psychology/evaluation and rehabilitation psychology.

Clinical Psychology Practica, Illinois Institute of Technology Counseling Department, Chicago, Illinois.

9/88 to 5/89

Supervised practicum experience in individual and group counseling; career/psychological assessment with university students; crisis intervention; case consultation; biofeedback training.

Clinical Psychology Practica, University of Chicago Medical Center, Chicago, Illinois.

9/89 to 5/90

Supervised practicum experience in individual psychotherapy with both inpatient and outpatient psychiatric groups; staff consultation; psychodiagnostic assessment; neuropsychological evaluation; behavioral medicine consultation.

Psychology Trainee, Millcreek Psychiatric Center for Children, Cincinnati, Ohio.

3/84 to 8/84

Supervised practicum in psychodiagnostic testing and evaluation of adolescent and child inpatient population; family and individual psychotherapy; operating and evaluating token economy.

Psychology Trainee, Pauline Warfield Lewis Center, Cincinnati, Ohio.

9/83 to 6/85

Activities included: Psychological and neuropsychological evaluation of adult inpatients; individual and group psychotherapy; case presentation.

PUBLICATIONS, RESEARCH & PAPERS

Dacey, C.M., Nelson, W.M., & Stoeckel, J. (1999) Reliability, criterion-related validity and qualitative commens of the Fourth Edition of the Standord-Binet Intelligence Scale with a young adult population with intellectual disability. (Journal of Intellectual Disability Research, 43, 179-184.

Stoeckel, J. J. (1992). Psychological factors effecting the psychological adjustment of injured workers. Unpublished doctoral dissertation, Illinois Institute of Technology, Chicago, Illinois.

PROFESSIONAL AFFILIATIONS/APPOINTMENTS

Ohio Licensed Psychologist #4713

Member, American Psychological Association

Member, Ohio Psychological Association

Consultant Bureau of Disability Determination

Employability Assessor - Ohio Industrial Commission

Diplomate, American Board of Forensic Examiners

Fellow, American Board of Disability Analysts

Diplomate, American Board of Forensic Medicine

SPECIALTIES:

Rehabilitation and Clinical Psychology

TRIAL TESTIMONY

Jack Wehr vs. Ryan Steak House	1992	Atty. Edward Monahan
Michael Dalton vs.	1994	Atty. Bernie Fox, Jr.
John Flannery vs. Aristech Boone Circuit Court, Boone Cty., KY	2/94	Atty. Barbara Bonar
Susan Erdman (divorce)	5-94	Atty. John McIlwain
Michael Brosmore vs. City of Covington, United States District Court (Eastern District of KY)	8-95	Atty. William Van Herp
Frank Curtis vs. Bristol Myers Hamilton Cty., Court of Common Pleas	10-95	Atty. Bill Clements
Jack White vs. Eco Lab	4-96	Atty. David Sloan
Kay Chase vs. Albert Signorelli, III	6-96	Atty. Matt Skinner
Ramona Craig vs. Montgomery Elevator, Hamilton Cty., Court of Common Pleas	8-96	Atty. John Hand
Susan Paskins, et.al, vs. Wesley Hiter, et.al, Court of Common Pleas, Clermont Cty., OH	6-98	Atty. Tom Ervin Trial Testimony
U.S. District Court Case # 3:98CV7660 Age Berishaj, et.al, v. Riggs Food Express, Inc., et.al, v. S. E. Johnson Companies	8-00	Atty. Scott Haselman Deposition
Calvin Mason et.al, v. Cincinnati Public Schools, et.al, Hamilton County Common Pleas Case #A9701711	8-00	Atty. Gary Winters Deposition
Thomas Bridewell vs. Crounse Corporation SMB&P Ref. # 504-4	5-2-02	Atty. Todd Powers Discovery Deposition

TRIAL TESTIMONY**Cont.****Robert Hunley vs.
Commercial Enterprises, et.al.****5-30-02****Atty: Jim Frooman**

ADDITIONAL EDUCATIONAL/PROFESSIONAL EXPERIENCES

- 10-02 Mental Status Assessment and DSM-IV-TR
Diagnostic Skills Improvement, Ohio Department of
Mental Health, Columbus, Ohio**

- 5-02 Pain Control; Fibromyalgia, Migraine and Chronic Pain
Institute for Natural Resources, Cincinnati, Ohio**

- 4-02 Psychiatric Emergencies
PESI Healthcare, LCC, Cincinnati, Ohio**

- 2-02 Autism. (Home Study)
Institute for the Study of Human Knowledge**

- 5-01 Disability Evaluation for Mental Impairment
Rehabilitation Services Commission, Columbus, Ohio**

- 6/00 Avoiding Legal and Ethical Problems in Professional Practice, Ohio
Psychological Association, Cincinnati, Ohio.**

- 5/00 AMA Guides Seminar for Psychologist, American Academy of Disability
Evaluating Physicians, Columbus, Ohio**

- 3/99 Understanding Anger, Cortex, Cincinnati, Ohio.**

- 12/98 AMA Guides (4th Edition) Seminar, American Academy of Disability
Evaluating Physicians, Columbus, Ohio.**

- 11/98 Working with Aggressive Youth, Xavier University, Cincinnati, Ohio.**

- 8/93 Integration of Hypnosis in Psychotherapy, Medicine, and Dentistry, American
Society of Clinical Hypnosis, Seattle, WA**

- 11/92 The Borderline Syndrome: Healing the Trauma Within, Olive Tree Publications,
Columbus, OH.**

- 11/92 Coping with Psychiatric and Psychological Testimony, David Faust, Ph.D.,
Cincinnati Psychological Association, Cincinnati, OH.**

- 5/92 Neuropsychology Conference, Matters of the Mind, Brain - Behavior
Relationships, Cincinnati, OH.**

- 7/91 Clinical Hypnosis, New England Educational Institute, Cape Cod, M.A.
- 9/90 Cognitive Behavioral Psychotherapy, Donald Meichenbaum, Institute for the Advancement of Human Behavior, Cincinnati, OH.
- 4/86 Group Techniques: Ideas and Approaches for Stages of a Group, AACD Professional Development Institute, Los Angeles, CA.
- 5/86 Psychotherapy of the Borderline Adult: the Masterson Approach, Ohio Psychological Association, Columbus, OH.

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FEE SCHEDULE

Psychotherapy

45 to 50 minute session -	\$ 120.00
20 to 30 minute session -	\$ 90.00
group session-90 minutes -	\$ 60.00
extended session-60 to 75 minutes -	\$ 190.00

Psychological Testing \$ 75.00 per hour

Psychological Interview \$ 150.00

Vocational Evaluation \$ 400.00
(includes interview and extensive testing)

Vocational/Psychological Evaluation \$ 450.00

Personal Injury \$1,000.00
(Does not include deposition/trial testimony time)

File Review \$ 150.00 per hour

Depositions \$ 400.00 per hour

Group Tax ID #31-1287450